

Senate Engrossed

State of Arizona
Senate
Forty-seventh Legislature
First Regular Session
2005

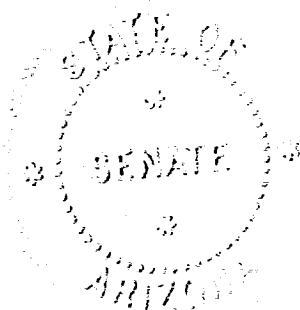
CHAPTER 171

SENATE BILL 1129

AN ACT

AMENDING TITLE 36, CHAPTER 21, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING
SECTION 36-2175; RELATING TO MEDICALLY UNDERSERVED AREAS.

(TEXT OF BILL BEGINS ON NEXT PAGE)



Be it enacted by the Legislature of the State of Arizona:

Section 1. Title 36, chapter 21, article 1, Arizona Revised Statutes, is amended by adding section 36-2175, to read:

36-2175. Behavioral health practitioners; loan repayment program; eligibility; default; damages; program termination; definition

A. THE BEHAVIORAL HEALTH PRACTITIONERS LOAN REPAYMENT PROGRAM IS ESTABLISHED IN THE DEPARTMENT TO PAY OFF PORTIONS OF EDUCATION LOANS TAKEN OUT BY BEHAVIORAL HEALTH PRACTITIONERS.

B. THE DEPARTMENT SHALL PRESCRIBE ELIGIBILITY REQUIREMENTS FOR THE PROGRAM THAT ARE CONSISTENT WITH THE NATIONAL HEALTH SERVICES CORPS STATE LOAN REPAYMENT PROGRAM AS PRESCRIBED IN 42 CODE OF FEDERAL REGULATIONS PART 62, SUBPART C OR SIMILAR CRITERIA AS ESTABLISHED BY THE DEPARTMENT.

C. TO BE ELIGIBLE FOR LOAN REPAYMENT AN APPLICANT MUST:

1. MEET AT LEAST ONE OF THE FOLLOWING REQUIREMENTS:

(a) HOLD AN ACTIVE LICENSE AS A BEHAVIORAL HEALTH PRACTITIONER.

(b) HAVE COMPLETED THE FINAL YEAR OF A COURSE OF STUDY OR PROGRAM LEADING TO A DEGREE OR LICENSE AS A BEHAVIORAL HEALTH PRACTITIONER.

2. MEET BOTH OF THE FOLLOWING REQUIREMENTS:

(a) DEMONSTRATE CURRENT OR PROSPECTIVE EMPLOYMENT WITH A BEHAVIORAL HEALTH AGENCY LICENSED PURSUANT TO CHAPTER 4 OF THIS TITLE.

(b) CONTRACT WITH THE DEPARTMENT TO SERVE FOR AT LEAST TWO YEARS IN FULL-TIME BEHAVIORAL HEALTH PRACTICE.

D. THE DEPARTMENT SHALL PRESCRIBE PROCEDURES TO CANCEL OR SUSPEND A LOAN REPAYMENT CONTRACT, IMPOSE A PENALTY OR FIND A PERSON IN DEFAULT OF A CONTRACT.

E. THE DEPARTMENT SHALL LIMIT LOAN REPAYMENTS TO THE AMOUNT OF PRINCIPAL, INTEREST AND RELATED EXPENSES OF EDUCATION LOANS ACCORDING TO THE FOLLOWING SCHEDULE:

1. FOR PHYSICIANS AND PSYCHIATRISTS:

(a) FOR THE FIRST YEAR OF SERVICE, A MAXIMUM OF TWENTY THOUSAND DOLLARS.

(b) FOR THE SECOND YEAR OF SERVICE, A MAXIMUM OF TWENTY THOUSAND DOLLARS.

(c) FOR THE THIRD YEAR OF SERVICE, A MAXIMUM OF TWENTY-TWO THOUSAND DOLLARS.

(d) FOR THE FOURTH YEAR OF SERVICE, A MAXIMUM OF TWENTY-FIVE THOUSAND DOLLARS.

2. FOR PSYCHOLOGISTS, NURSE PRACTITIONERS AND PHYSICIAN ASSISTANTS, A MAXIMUM OF TEN THOUSAND DOLLARS FOR EACH OF THE TWO YEARS OF SERVICE.

3. FOR ALL OTHER BEHAVIORAL HEALTH CARE PRACTITIONERS, A MAXIMUM OF SEVEN THOUSAND DOLLARS FOR EACH OF THE TWO YEARS OF SERVICE.

1 F. LOAN REPAYMENT CONTRACT OBLIGATIONS ARE SUBJECT TO THE AVAILABILITY
2 OF MONIES. THE DEPARTMENT MAY CANCEL OR SUSPEND A LOAN REPAYMENT CONTRACT
3 BASED ON UNAVAILABILITY OF MONIES FOR THE PROGRAM. THE DEPARTMENT IS NOT
4 LIABLE FOR ANY CLAIMS, ACTUAL DAMAGES OR CONSEQUENTIAL DAMAGES ARISING OUT OF
5 A CANCELLATION OR SUSPENSION OF A CONTRACT.

6 G. THE DEPARTMENT MAY USE PRIVATE DONATIONS, GRANTS AND FEDERAL MONIES
7 TO IMPLEMENT THE PROGRAM. THE LEGISLATURE SHALL NOT APPROPRIATE AND THE
8 AGENCY SHALL NOT TRANSFER STATE GENERAL FUND OR OTHER STATE MONIES TO
9 SUPPORT, PROMOTE OR MAINTAIN THE PROGRAM.

10 H. THIS SECTION DOES NOT PREVENT THE DEPARTMENT FROM ENCUMBERING AN
11 AMOUNT THAT IS SUFFICIENT TO ASSURE PAYMENT OF EACH BEHAVIORAL HEALTH
12 PRACTITIONER LOAN FOR UP TO TWO YEARS.

13 I. A PARTICIPANT IN THE PROGRAM WHO BREACHES THE LOAN REPAYMENT
14 CONTRACT BY FAILING TO BEGIN OR TO COMPLETE THE OBLIGATED SERVICES IS LIABLE
15 FOR LIQUIDATED DAMAGES IN AN AMOUNT THAT IS EQUIVALENT TO TWICE THE TOTAL
16 UNCREDITED AMOUNT OF THE LOAN REPAYMENT CONTRACTED FOR ON A PRORATED MONTHLY
17 BASIS. THE DEPARTMENT MAY WAIVE THE LIQUIDATED DAMAGES PROVISIONS OF THIS
18 SUBSECTION IF IT DETERMINES THAT DEATH OR PERMANENT PHYSICAL DISABILITY
19 CAUSED THE PARTICIPANT'S FAILURE TO FULFILL THE CONTRACT.

20 J. NOTWITHSTANDING SECTION 41-192, THE DEPARTMENT MAY RETAIN LEGAL
21 COUNSEL AND BRING WHATEVER ACTION IS NECESSARY TO COLLECT LOAN PAYMENTS AND
22 CHARGES IF THERE IS A DEFAULT OR A BREACH OF A CONTRACT ENTERED INTO PURSUANT
23 TO THIS SECTION.

24 K. THE PROGRAM ESTABLISHED BY THIS SECTION ENDS ON JULY 1, 2015
25 PURSUANT TO SECTION 41-3102.

26 L. FOR THE PURPOSES OF THIS SECTION, "BEHAVIORAL HEALTH PRACTITIONER"
27 MEANS:

28 1. A PSYCHIATRIST, PSYCHOLOGIST, PHYSICIAN ASSISTANT, REGISTERED
29 NURSE, NURSE PRACTITIONER OR BEHAVIORAL HEALTH PROFESSIONAL WHO IS LICENSED
30 PURSUANT TO TITLE 32.

31 2. A BEHAVIORAL HEALTH TECHNICIAN OR A BEHAVIORAL HEALTH
32 PARAPROFESSIONAL WHO IS EMPLOYED BY AN AGENCY LICENSED BY THE DEPARTMENT.

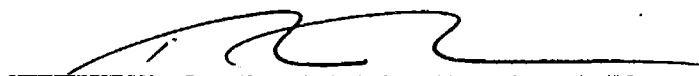
APPROVED BY THE GOVERNOR APRIL 22, 2005.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 22, 2005.

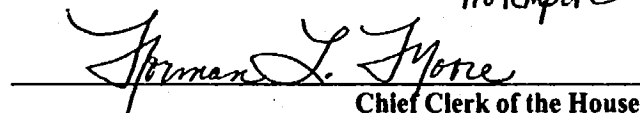
Passed the House April 18, 2005,

by the following vote: 38 Ayes,

17 Nays, 5 Not Voting



Speaker of the House
Pro Tempore



Chief Clerk of the House

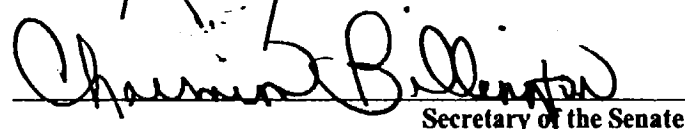
Passed the Senate March 10, 2005,

by the following vote: 23 Ayes,

6 Nays, 1 Not Voting



President of the Senate



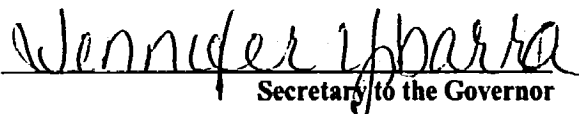
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

14th day of April, 2005

at 12:05 o'clock P. M.



Secretary to the Governor

Approved this 22 day of

April, 2005,

at 1:55 o'clock P. M.



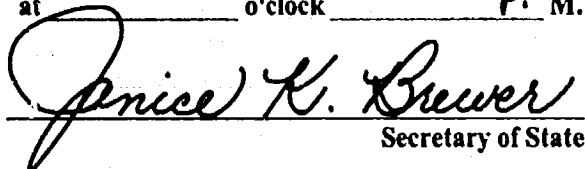
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 22 day of April, 2005,

at 3:53 o'clock P. M.



Secretary of State

S.B. 1129